

Application No.: 10/526,681  
Docket No.: HT3970USPCT

### Remarks

Reconsideration and allowance of the Claims of the present invention is respectfully requested. Claims 1, 4-10, and 13-15 have been amended above. A new dependent Claim 17 has been added.

### Objection Under 37 C.F.R. 1.75(c)

Claims 5-10 and 12-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP 608.01(n). Accordingly, the claims have not been further treated on the merits.

In reply, Claims 5-10 and 13-15 have been amended to make them only dependent on independent Claim 1. Original Claim 12 did not depend on a multiple dependent claim. So it is in proper form and its dependency was not changed.

As such, this objection has been overcome and should be withdrawn.

### Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the rejection states the following 4 reasons why Claims 1-16 are indefinite.

[1] Re claim 1, the recitations "the later which faces away from the skin", "the ply", "the thickness" and "the side are indefinite as they lack clear antecedent basis.

[2] Re claim 6, the recitations "the side facing the skin" and "the surface proportion" are indefinite as they it lack clear antecedent basis.

[3] Re claim 8, it is unclear as to what is considered "special".

[4] A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in Ex parte Wu, 10USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or

Application No.: 10/526,681  
Docket No.: HT3970USPCT

(b) a required feature of the claims. Note also, for example, the decisions of Ex parte Steigewald, 131 USPQ 74 (Bd. App. 1961); Ex parte Hall, 83 USPQ 38 (Bd. App. 1948); and Ex parte Hasche, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 14 and 15 recite the broad recitation "inner layer", and the claim also recites "optionally a middle layer" which is the narrower statement of the range/limitation.

Regarding [1], Claim 1 has been amended to provide antecedent basis for all terms. Support for reciting "a skin side (6)" is found on page 4, line 9. Support for reciting an outside (4) is found on page 6, line 7. Further, the spelling of "yarns" in Claim 1 has been corrected.

Regarding [2], Claim 6 has been amended to specify "the skin side (6)" which now has antecedent basis in Claim 1 as amended herein. Further, reference to "the surface proportion" in Claim 6 has been deleted.

Regarding [3], Claim 8 has been amended to delete the word "special" in all three occurrences.

Regarding [4], Claims 14 and 15 have been amended to delete reference to the "optional" middle layer. In addition, a new Claim 17 has been added which is dependent on Claim 14 or 15 and which positively recites the middle layer which was deleted from Claims 14 and 15.

In view of the above reasons, this rejection is respectfully overcome and should be withdrawn.

#### **Statement of Allowable Subject Matter**

The Examiner indicates that Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office action.

The Examiner indicates that Claims 2-4 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office action and to include all of the limitations of the base claim and any intervening claims.

In response, the Claims have been amended as specified above to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in

Application No.: 10/526,681  
Docket No.: HT3970USPCT

the Office action. In view of these amendments, all Claims are now believed to be in condition for allowance.

**Other Cited References**

The other references cited, but not applied, by the Examiner have been considered, but they do not require modification of the Claims.

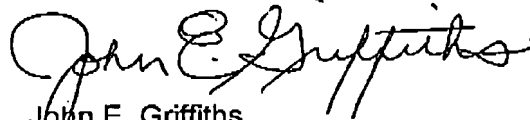
**Authorization to Charge Deposit Account**

If any fee is required related to this REPLY, please charge it to Deposit Account Number 04-1928.

**Conclusion**

The foregoing reasons are believed to comprise a full and complete response to the outstanding non-final Examiner's Office Action. Further, it is submitted that any basis for the rejections of the Claims has been obviated. Thus, Claims 1-17 are respectfully submitted to be in condition for allowance. Favorable reconsideration with subsequent allowance of Claims 1-17 is respectfully requested. If any matter remains to be resolved before allowance, the Examiner is encouraged to call Applicant's attorney at the number provided below.

Respectfully submitted,



John E. Griffiths  
Attorney for Applicant  
Registration No. 32,647  
Telephone: (302) 892-7909  
Facsimile: (302) 892-7343

Dated:

